

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN**

YAACOV APELBAUM, a New York resident,
and XRVISION, LTD., a New York corporation,

Plaintiffs,

Case No. 2:23-cv-11718

v.

Hon. Stephen J. Murphy, III
Hon. Anthony P. Patti

STEFANIE LAMBERT, a Michigan resident, and
THE LAW OFFICE OF STEFANIE L. LAMBERT,
PLLC, a Michigan professional limited liability company
and BILL BACHENBERG, a Pennsylvania resident,

Defendants.

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**PLAINTIFFS' SUPPLEMENTAL RESPONSE TO
THE COURT'S SHOW CAUSE ORDER OF OCTOBER 31, 2023**

On October 31, 2023, the Court entered a show cause Order instructing the Plaintiffs to respond by November 10, 2023. (Dkt. #5). November 10, 2023, being a holiday (Veteran's Day), the effective deadline became November 13, 2023. Fed. R. Civ. P. 6. On November 13, 2023, Plaintiffs filed their Response ("Response") to the Court's Order (Dkt. #7) along with a Motion ("Motion") for Alternate Service as to Defendants Stefanie Lambert ("Lambert") and The Law Office of Stefanie L. Lambert, PLLC ("PLLC") (collectively, "Lambert Defendants"). (Dkt. #6). In their Response and Motion, Plaintiffs detailed efforts to serve the Lambert Defendants on nineteen (19) different occasions across six (6) different addresses, including the office of the

PLLC's registered agent.¹

Plaintiffs now write to inform the Court of three (3) additional attempts at serving the Lambert Defendants. *See* Affidavit of Ty Bailey, process server, attached herewith. As more fully described in Mr. Bailey's affidavit, on one recent occasion, a security guard informed Mr. Bailey that Defendant Lambert's PLLC was removed from the building's registry, but that Defendant Lambert does appear at the location. *Id.*, at p. 2. On a separate service attempt, Mr. Bailey was told by an attorney with a law firm located in the same suite as the Lambert Defendants' registered agent, that Defendant Lambert does appear at the location, but the attorney refused service on her behalf. To date, Plaintiffs have attempted service on Lambert Defendants on twenty-three (23) occasions, including four (4) attempts at the listed office of the PLLC's registered agent.

Additionally, in Plaintiffs' Response and Motion, Plaintiffs described their belief that the Lambert Defendants possessed actual knowledge of the present lawsuit because Plaintiffs notified Defendant's attorney who represents her in other matters and asked if he could accept service on her behalf. *See, for e.g.*, Motion at p. 5. That attorney, through his assistant, informed Plaintiffs' counsel that he could not accept service. *Id.* Presumably, as Defendant's agent, this attorney would have at least contacted Defendant Lambert and asked if he were authorized to accept service on her behalf.

As detailed in a USA Today / AZ Central article published on November 17, 2023 (*see* Exhibit 2, pages 10-11, attached herewith), reporters contacted Defendant Lambert asking her to comment on Plaintiffs' allegations in pleadings with this Court that Plaintiffs have been trying to serve her with process for months. Here is how she was reported as having responded:

¹ Defendant Lambert is the registered agent of Defendant PLLC.

"I have received NO contact (in person, by mail, or email) from counsel for Jacob Applbaum [sic], Yaacov "E"pplebaum [sic], Yaacov Applebaum [sic], or whatever false identity he is currently using," she said in the email. "But I hope that I get served soon. My federal whistleblower is chomping at the bit to get the truth out. I know. I know all of it."

XRVision's lawyers filed a motion on Monday accusing Lambert of dodging efforts to serve her with a complaint, saying 19 attempts have been made at six locations. The firm asked a judge not to dismiss the lawsuit, according to a report in Law 360.

The quote, if true, clearly indicates that Defendant Lambert is aware of the present litigation: she claims to relish the opportunity to be served, and also that she has a whistleblower who is chomping at the bit to participate somehow in the suit to apparently "get the truth out" about Plaintiffs. Notably, Plaintiffs reached out to one of the reporters to request Defendant Lambert's contact information used to acquire the quote above. To date, the reporter has not responded.

For these reasons and for reasons more fully set forth in Plaintiffs' Motion for Alternate Service, Plaintiffs are unable to serve the Lambert Defendants in the manner provided in the applicable court rules. Plaintiffs ask the Court to grant their Motion for Alternate Service, and also to spare their claims, and case, against all Defendants.

Dated: November 20, 2023

Respectfully submitted,
BURNS LAW FIRM

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CERTIFICATE OF SERVICE

The undersigned certifies that on November 20, 2023, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will send notification to all counsel of record.

/s/ John C. Burns